

CADENCE BANK f/k/a
BANCORPSOUTH BANK and
CENTURY BANK,

Plaintiffs,

v.

BRIDGELINK ENGINEERING, LLC,
COLE WAYNE JOHNSON, CORD
HENRY JOHNSON, BIGHORN
CONSTRUCTION AND RECLAMATION,
L.L.C., BIGHORN SAND & GRAVEL
LLC, BIGHORN INVESTMENTS AND
PROPERTIES, LLC

Defendants.

**PLAINTIFF CADENCE BANK’S AND CENTURY BANK’S OBJECTION TO
DEFENDANTS’ MOTION FOR NEW TRIAL**

COMES NOW, Plaintiffs, Cadence Bank, f/k/a BancorpSouth Bank (“Cadence”) and Century Bank (“Century”) (collectively the “Plaintiffs”) and files this, its Objection and Response to Defendants’ Motion for New Trial (the “Motion”), and respectfully represents to the Court as follows:

1. Defendants' Motion has an unclear legal basis, as it refers broadly to Fed. R. Civ. P. 59; however, because this case was decided on Summary Judgment, Rule 59(a) is inapplicable.
2. Defendants' Motion should be denied because (1) Defendants' arguments are simply a rehash of the arguments, responses, and replies made in response to Plaintiffs' Motion for Summary Judgment; (2) Defendants' Motion places an improper burden on Plaintiffs to produce

evidence negating Defendants' affirmative defenses; and (3) Plaintiff presents no new evidence and simply relies upon the evidence in the summary judgment record that was objected to as being untimely disclosed.

WHEREFORE, for the foregoing reasons, Plaintiffs respectfully request that Defendants' Motion for New Trial be denied.

Respectfully submitted,

HALEY & OLSON, P.C.

By: /s/ Blake Rasner
Blake Rasner
Texas Bar No. 16555700
brasner@haleyolson.com
David Shaw
Texas Bar No. 24084641
dshaw@haleyolson.com
Marshall Grant Jones
Texas Bar No. 24131891
Grant.jones@haleyolson.com

100 N. Ritchie Rd., Suite 200
Waco, Texas 76712
Telephone: (254) 776-3336

ATTORNEYS FOR CADENCE BANK

and

OTTESON SHAPIRO LLP

John C. Leininger
Texas Bar No. 24007544
jcl@os.law

4851 Lyndon B. Johnson Freeway, Suite 650
Dallas, Texas 75204
Telephone: (214) 619-8325

ATTORNEY FOR CENTURY BANK

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of July, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

By: /s/ Blake Rasner
Blake Rasner